

THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Anonymous,

Petitioner,

-against-

Anonymous, et al.,

Respondents.

24-CV-3495 (JHR) (RFT)

ORDER

ROBYN F. TARNOFSKY, United States Magistrate Judge:

On June 13, 2024, Petitioner submitted a request to withdraw her petition, which also included a request for a refund of \$405. Plaintiff initially paid a \$52 fee to bring this case as a miscellaneous action under docket number 24-MC-0174. (See ECF 8, Order Directing Payment of Fee or IFP Application.) As Chief Judge Swain noted in her order of May 7, 2024, Petitioner's action was "not one of the limited matters that qualify as a miscellaneous action." (*Id.*) Petitioner therefore was required to pay the \$405 filing fee for a civil as opposed to a miscellaneous action (or apply to proceed in forma pauperis). On May 7, 2024, Plaintiff paid the full \$405 fee. (See Docket, Pro Se Payment of Fee Processed.)

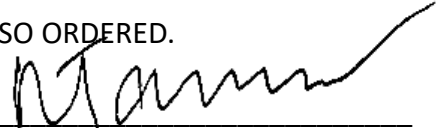
As a rule, federal statutes require "clerks of courts of appeals and district courts to pay all fees 'into the Treasury.'" *Goins v. Decaro*, 241 F.3d 260, 261 (2d Cir. 2001) (citing 28 U.S.C. §§ 711(c), 751(e)). Therefore, "[t]he law does not permit a judge to refund a filing fee." *Celestin v. U.S. Dep't State Bureau of Consular Affs.*, No. 20-CV-947 (AMD) (LB), 2020 WL 6901081, at *2 (E.D.N.Y. Nov. 23, 2020). I am therefore precluded by statute from ordering a refund of the \$405 fee that was required to start this civil action. However, because Petitioner also paid a \$52.00

fee to commence the miscellaneous proceeding, which proceeding was designated as a civil action, I believe that Petitioner may receive a refund of the \$52.00 filing fee for the miscellaneous proceeding. She should not be required to pay double filing fees for one matter.

The SDNY Office of Finance Services is respectfully requested to issue a reimbursement of \$52.00 to Petitioner, which check shall be made out to the name provided by Petitioner in her sealed filings and remitted to the address provided by Petitioner to the Clerk's office when she commenced this action.

DATED: June 20, 2024
New York, NY

SO ORDERED.

A handwritten signature in black ink, appearing to read 'Robyn F. Tarnofsky', written over a horizontal line.

ROBYN F. TARNOFSKY
United States Magistrate Judge